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85-0701/1

27 FEB 1985

MEMORANDUM FOR: Director of Central Intelligence

VIA: General Counsel
Executive Director
Deputy Director of Central Intelligence

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: Directorate of Science and Technology File Category
Recommendations

REFERENCE: Memorandum from the DCI to the Deputy Director for
Science and Technology, dated 15 October 1984;
Subject: Implementation of FOIA Relief Legislation

1. Action Requested: This memorandum forwards a recommendation by the Deputy Director for Science and Technology for approval of the Director of Central Intelligence.

2. Background:

a. The Deputy Director for Science and Technology in response to the referenced memorandum has submitted the attached recommendation that you designate four categories of files of the Directorate of Science and Technology as exempt from the search, review, publication, and disclosure provisions of the Freedom of Information Act. These file categories were developed pursuant to the Central Intelligence Agency Information Act of 1984, which provides that relief from the FOIA is activated by your designation of the file categories recommended to you for that purpose.

b. The records of the Directorate of Science and Technology that fall within the boundaries defined in the CIA Information Act as exempt from the FOIA are encompassed by four categories. The records

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from Attachment

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of the Directorate components that document some portion of the activities defined in these four categories are described in related subcategories. The subcategories reflect that portion of the Directorate's activities carried out by each component. The results are provided as Tabs A through F to the memorandum from the Deputy Director for Science and Technology. DDS&T Instruction [redacted] also attached, documents the requirements for recommending the designation of Directorate files as exempt from the FOIA and also sets forth the procedures for developing the file designations.

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c. As in the case of the Office of Security and Directorate of Operations file recommendations, the Director of Information Services, my designee for reviewing all file categories prior to submission, has closely monitored the process by which the Directorate of Science and Technology developed its recommendations. He assigned his special task force, consisting of representatives from the Office of General Counsel, the Office of Legislative Liaison, and the Office of Information Services, to work with S&T components in developing the recommended categories. The task force was specifically instructed to ensure that only those categories of files that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems are recommended to you for designation. Moreover, he emphasized the requirement that files that are the sole repository of disseminated intelligence collected through a technical system may not be designated. Adhering to these criteria, the task force in numerous meetings with the responsible officers in the Directorate of Science and Technology meticulously reviewed each proposed file category and subcategory for conformance with the requirements of the law.

d. Based on his review of the total process and his determination that all the requirements have been strictly adhered to, the Director of Information Services has advised me that each file category recommended by the DDS&T meets the standards for designation in accordance with the CIA Information Act and the Agency's implementing regulation [redacted] File Designation Under the Freedom of Information Act. Moreover, he also has advised that these file categories have the full concurrence of the Office of General Counsel and the Office of Legislative Liaison.

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3. Recommendation: It is recommended that you approve the file categories submitted by the Deputy Director for Science and Technology in the attachment. In accordance with [redacted] and the referenced memorandum, your file designations will be provided to our oversight committees prior to implementation.

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[redacted]

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Harry E. Fitzwater

Attachment:
As stated

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DA/D/OIS (26 Feb 85)

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